

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

PATRICIA WILLIAMS and *
JOSEPH B. DIFIGLIA, Legal *
Representatives of the Estate of *
GIANA J. DIFIGLIA, *

No. 07-302V
Special Master Christian J. Moran

Petitioners, *

Filed: July 24, 2008

v. *

SECRETARY OF HEALTH *
AND HUMAN SERVICES, *

Attorneys' Fees and Costs,
Unopposed Amount, Dr. Shane

Respondent. *

ATTORNEYS' FEES AND COSTS DECISION*

Carol L. Gallagher, Esq., Gallagher & Gallagher, Somers Point, N.J. for Petitioner;
Julia McInerny, Esq., U.S. Department of Justice, Washington, D.C., for Respondent.

Petitioners, Patricia Williams and Joseph B. DiFiglia, the legal representatives of the estate of Giana J. DiFiglia, seek reimbursement for their attorneys' fees and costs. They are awarded the amount they request.

On June 5, 2008, petitioners filed an application for fees and costs. They later modified the amounts requested.

* Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002).

All decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would clearly be an unwarranted invasion of privacy. When such a decision or designated substantive order is filed, a party has 14 days to identify and to move to delete such information before the document's disclosure. If the special master, upon review, agrees that the identified material fits within the banned categories listed above, the special master shall delete such material from public access. 42 U.S.C. § 300aa-(12)(d)(4); Vaccine Rule 18(b).

After reviewing the request of Ms. Williams and Mr. DiFiglia, the undersigned issued an order requesting additional information, especially in regard to Dr. Shane. The original application did not include all the invoices submitted by Dr. Shane and the invoices that were submitted by Dr. Shane failed to include either his hourly rate or the number of hours he spent on the particular task.¹ Ms. Williams and Mr. DiFiglia filed additional information.

A status conference was held on July 24, 2008, during which Ms. Williams and Mr. DiFiglia clarified some of Dr. Shane's entries. Counsel for Ms. Williams and Mr. DiFiglia also explained some unclear time entries. During the status conference, respondent's counsel indicated that she had discussed these issues with counsel for Ms. Williams and Mr. DiFiglia and respondent did not object to any items.

In light of the additional information, which was provided both in writing and orally, Ms. Williams and Mr. DiFiglia have established their entitlement to the amount requested. They are awarded **\$21,700.00** in attorneys' fees. They are also awarded a total of **\$3,348.39** in costs. This figure is the sum of the costs that petitioners, themselves, have incurred (\$2,010, see exhibits 12 & 14), the costs that the attorneys have paid already (\$441.39, see exhibit 13), and the costs for unpaid invoices (\$897, see exhibit 15).

After reviewing the request, the court awards **\$25,048.39** in attorney's fees and other litigation costs. The court thanks the parties for their cooperative efforts in resolving this matter. The Clerk shall enter judgment accordingly.²

The parties may contact Francina Segbefia at (202)357-6358 with any questions.

IT IS SO ORDERED.

S/ Christian J. Moran

Christian J. Moran
Special Master

¹ Petitioners' counsel is ordered to send a copy of this order to Dr. Shane. Dr. Shane is expected to produce invoices that include (a) the date, (b) a description of the task performed, (c) the time of hours spent on a particular task, and (d) his hourly rate.

² Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.